

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

|                                |   |                                |
|--------------------------------|---|--------------------------------|
| BARBARA A. PLANCK,             | ) |                                |
|                                | ) |                                |
| Plaintiff,                     | ) |                                |
|                                | ) |                                |
| v.                             | ) | CIVIL ACTION NO. 2:06cv543-MHT |
|                                | ) | (WO)                           |
| DONALD H. RUMSFELD,Secretary,  | ) |                                |
| Department of Defense, et al., | ) |                                |
|                                | ) |                                |
| Defendants                     | ) |                                |

**ORDER**

There being no objections filed to the Recommendation of the Magistrate Judge filed herein on November 8, 2006 (doc. no. 10), said Recommendation is hereby adopted, and it is the

ORDER, JUDGMENT and DECREE of the court that plaintiff's claims against defendants Caldwell, Busch and Grisby are DISMISSED without prejudice for plaintiff's failure to effect service within 120 days, as required by Fed. R. Civ. P. 4(m).<sup>1</sup>

DONE, this the 28th day of November, 2006.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Fed. R. Civ. P. 4(i)(3) - providing for a reasonable time" to cure defects in service in a case involving the United States – is not, by its terms, applicable to plaintiff's failure to effect service on the individual capacity defendants.